

enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

#### Independent Claims 1, 33 and 43

The Office Action indicates that certain claim language is unclear. However, Applicants submit that such terms as used in claims 1, 33 and 43, and as described in the specification, are used and described in such a manner that one of ordinary skill in the art, having read the disclosure and reviewed the claims, would be in full possession of the invention as described in such claims.

In support Applicants first direct the Examiner's attention to the following language of the Application. "An earliest time and a latest time are determined for each packet." (pg. 9, lns. 1-2). "FIG. 4 ... illustrat[es] a constrained STD corridor .... [that] exists between lower limit 401 and upper limit 402. (pg. 9, lns. 10-13). "Upper limit 402 may be defined according to the payload size and the video rate." (pg. 9, lns. 27-28). "Lower limit 401 may be defined with respect to upper limit 402 by shifting upper limit 402 downward or to the right." (pg. 9, ln. 31-pg. 10, ln. 3). "Alternatively, lower limit 401 may be defined according to the payload size and the video rate of the video stream being multiplexed, with upper limit 402 defined with respect to the lower limit 401 by shifting lower limit 401 upward or to the left." (pg. 10, lns. 5-7). "As such, the earliest possible occurrence of a packet within the constraints of the upper limit 402 and the lower limit 401 is illustrated by packet 507. The latest possible occurrence of a packet within the constraints of the upper limit 402 and the lower limit 401 is illustrated by packet 508. Transmission of the payload of packet 507 begins at time 505 and ends at time 506, spanning a period of time 515. " (pg. 10, lns. 11-17). "The first bit of a payload of packet 607 or packet 608 occurs along vertical axis 302 at a point denoted by line 601. The last bit of the payload of packet 607 or packet 608 occurs along vertical axis 302 at a point denoted by line 602." (pg. 11, lns. 20-22).

In light of at least such language, Applicants submit, for example, that the lowest bit occurrence constraint is synonymous with lower limit 401 and the highest bit occurrence is synonymous with upper limit 402. More specifically, Applicants note that portion of the above cited language which states "the upper limit 402 defined with respect to the lower limit 401 by shifting lower limit 401 upward or to the left," and Applicants claim language which states: "determining a first highest bit occurrence constraint based on shifting the first lowest bit

occurrence constraint upward.” Further, at least as shown by above quoted language, as well as additional language of the specification, Applicants submit that *how* such a lowest bit occurrence constraint is *determined* is also fully defined and supported in the specification such that one of ordinary skill in the art would be in full possession of the invention.

Next, and regarding the statement “may occur between packet 507 and 508,” Applicants submit that the term “occur” as used here is synonymous at least with “transmission,” and/or “transfer.” In support, Applicants refer the Examiner to at least Fig. 6 and the specifications references thereto, including the above quoted language, and submit that one of ordinary skill in the art would recognize and understand that the term “occur” as used in the Specification is synonymous with the term or terms described. In addition, and regarding enablement issues generally, Applicants request that to the extent that the Examiner believes that any such issues still remain in light of Applicants’ above comments, that the Examiner please contact the Applicants by phone so that any such remaining issues can be fully resolved.

#### **§ 102(e) Rejections**

##### **1-16, 19 and 32-48**

Claims 1-16, 19 and 32-48 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Blanchard. Applicants submit that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly, or inherently described, in a single reference. Furthermore, the identical invention must be shown in as complete detail as contained in the claim.

Applicants submit that Blanchard fails to disclose each and every element of Applicants’ claimed subject matter and respectfully request the Examiner to withdraw the rejections.

##### **Blanchard**

Blanchard is directed to audio/video discrepancy management. The system is comprised of the encoding of digital video signal segments to seamlessly join such segments by using an idealized match at a point where a first picture is to be read out of a buffer and where the point at which a first picture to be read out of the buffer is adjusted by when a last frame of the segment is due to be read out. (Abstract; Also See Summary of The Invention).

## Claims 1, 33, 36 and 43

### Independent Claim 1

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia:

“...obtaining a first input data stream, obtaining first time stamp information for the first input data stream, obtaining buffer delay information, determining a first lowest bit occurrence constraint based on the first time stamp information and the buffer delay information, determining a first highest bit occurrence constraint based on shifting the first lowest bit occurrence constraint upward, determining a first earliest time constraint based on the first highest bit occurrence constraint, and determining a first latest time constraint based on the first lowest bit occurrence constraint,”

(Claim 1). More specifically, Applicants submit that Blanchard is absent disclosure of at least Applicants claimed, inter alia, “...determining a first lowest bit occurrence constraint based on the first time stamp information and the buffer delay information ...” (Claim 1). Applicants refer the Examiner to the 112 discussion above where Applicants note the meaning of a “lowest bit occurrence constraint.” As noted, such lowest bit occurrence constraint is represented in Fig. 4 as line 401. As disclosed, the lowest bit occurrence constraint defines one edge of the constrained STD corridor, (pg. 9, lns. 1-16). It is within this constrained STD corridor in which packets of a video stream are transmitted. (pg. 9, lns. 18-25). Applicants submit that Blanchard does not disclose, teach or suggest such a lower bit occurrence constraint. For example, although a Fig. 2 shows bit rates over time, there is no discussion of any related lowest bit occurrence constraint. In addition, Blanchard is also absent discussion as to why such a constraint would be needed and how it could be used to benefit the operation of such a system. In addition, Applicants direct the Examiner to Fig. 3 that shows what the communication of a data stream over time relative to an STD was, as known in the art, prior to the introduction of Applicants' claimed subject matter.

Further, Blanchard also is absent any disclosure regarding Applicants' claimed subject matter, inter alia, “... determining a first highest bit occurrence constraint based on shifting the first lowest bit occurrence constraint upward ...” As discussed immediately above, Blanchard is absent disclosure related to a first lowest bit occurrence constraint. At least for such reasons Applicant submit that therefore neither a first highest bit occurrence, nor any type of calculated result, may be calculated therefrom. Further, Blanchard is also absent any discussion teaching or

suggestion such a highest bit occurrence constraint, what its purpose might be, or how it might benefit the operation of the disclosed system.

Similarly, Blanchard is also absent any disclosure regarding Applicants' claimed subject matter, inter alia, "...determining a first earliest time constraint based on the first highest bit occurrence constraint ..." Again, Applicants refer the Examiner to the discussion above regarding the lack of any disclosure of determining a first highest bit occurrence constraint, and submit that without such element that therefore a first earliest time constraint cannot be based thereon. Further, Blanchard is absent disclosure regarding an earliest time constraint for any purpose. For example, Fig. 2 shows a data rate over time, but does not disclose any variable window of time for which any particular data rate transmission might be shifted either earlier or later in time. Also, Blanchard is absent any discussion teaching or suggestion such earliest time constraint, what its purpose might be, or how it might benefit the operation of the disclosed system.

Blanchard is also absent any disclosure regarding Applicants' claimed subject matter, inter alia, "...determining a first latest time constraint based on the first lowest bit occurrence constraint ..." Applicants refer the Examiner to the discussion above regarding the lack of any disclosure of determining a first lowest bit occurrence constraint, and submit that without such element that therefore a first latest time constraint cannot be based thereon. Further, Blanchard is absent disclosure regarding a latest time constraint for any purpose. Again Applicants note that Fig. 2 shows a data rate over time, but does not disclose any variable window of time for which any particular data rate transmission might be shifted either earlier or later in time. Applicants submit that Blanchard is absent any discussion teaching or suggestion such latest time constraint, what its purpose might be, or how it might benefit the operation of the disclosed system.

As such, Applicants respectfully submit that the system disclosed in Blanchard is wholly unlike Applicants' claimed subject matter, where Blanchard is directed to the encoding of digital video signal segments to seamlessly join such segments by using an idealized match at a point where a first picture is to be read out of a buffer and where the point at which a first picture to be read out of the buffer is adjusted by when a last frame of the segment is due to be read out. (Abstract).

### Independent Claim 33

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia:

"...a first input data stream input for receiving a first input data stream, a first lowest bit occurrence constraint calculator operatively coupled to the first input data stream input for calculating a first lowest bit occurrence constraint based on first time stamp information derived from the first input data stream and buffer delay information, a first highest bit occurrence constraint calculator operatively coupled to the first lowest bit occurrence constraint calculator for calculating a first highest bit occurrence constraint based on shifting the first lowest bit occurrence constraint upward, a first earliest time constraint calculator operatively coupled to the first highest bit occurrence constraint calculator for calculating a first earliest time constraint based on the first highest bit occurrence constraint, and a first latest time constraint calculator operatively coupled to the first lowest bit occurrence constraint calculator for calculating a first latest time constraint based on the first lowest bit occurrence constraint,"

(Claim 33). Applicants submit, that for at least same or similar reasons as to those presented above regarding the allowability of claim 1, that claim 33 is also allowable.

### Independent Claim 36

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia:

"...effectively adjusting a  $t_{\text{earliest}}$  value and a  $t_{\text{latest}}$  value for each packet of a plurality of packets for each, data stream of the plurality of data streams, and multiplexing the packets from the plurality of data streams according to the  $t_{\text{earliest}}$  value and the  $t_{\text{latest}}$  value for each packet of the plurality of packets for each data stream of the plurality of data streams to provide a drift compensated output data stream,"

(Claim 36). Applicants submit, that for at least same or similar reasons as to those presented above regarding the allowability of claim 1, that claim 36 is also allowable. Further, Applicants submit that at least because the  $t_{\text{earliest}}$  value was defined by Applicants as "the earliest possible occurrence of a packet within the constraints of upper limit 402 and lower limit 401," and the fact that Blanchard is absent any disclosure, teaching or suggestion of any such upper and lower limits, that Blanchard therefore does not, and cannot, disclose teach or suggest Applicants' claimed subject matter. Similarly, Applicants defined the  $t_{\text{latest}}$  value as "the latest possible occurrence of a packet within the constraints of upper limit 402 and lower limit 401," (pg. 10, lns. 23-24), and Applicants submit that Blanchard is absent any disclosure, teaching or

suggestion of any such upper and lower limits, that Blanchard therefore does not, and cannot, disclose teach or suggest Applicants' claimed subject matter.

Further, Applicants also submit that Blanchard is also absent any disclosure, teaching or suggestion regarding a drift compensated output data stream. Blanchard is absent a discussion of compensating for a drift in the video rate. Instead, Blanchard simply describes the reading of a first picture from a buffer being adjusted by when a last frame of the segment is due to be read out. Applicants submit that such a delay in reading a next picture for such purposes is wholly unlike Applicants claimed subject matter regarding a drift compensated output data stream. As such, Applicants submit that Blanchard therefore does not, and cannot, disclose teach or suggest Applicants' claimed subject matter.

#### Independent Claim 43

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia:

“...obtaining a first input data stream, obtaining first time stamp information for the first input data stream, obtaining buffer delay information, determining a first lowest bit occurrence constraint based on the first time stamp information and the buffer delay information, determining a first highest bit occurrence constraint based on shifting the first lowest bit occurrence constraint upward, determining a first earliest time constraint based on the first highest bit occurrence constraint, and determining a first latest time constraint based on the first lowest bit occurrence constraint,”

(Claim 43). Applicants submit, that for at least same or similar reasons as to those presented above regarding the allowability of claim 1, that claim 43 is also allowable.

#### Claims 2 and 44

##### Dependent Claim 2

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: “...wherein the first lowest bit occurrence constraint increases substantially linearly over time,” (Claim 2).

Applicants submit, that for at least same or similar reasons as to those presented above regarding the allowability of claim 1, that claim 2 is also allowable. Similarly, because Blanchard does not disclose, teach or suggest a first lowest bit occurrence constraint as discussed above regarding claim 1, that Blanchard does not, and cannot, disclose teach or suggest such an element from increasing substantially linearly over time.

In addition, Applicants submit that because claim 2 (dependent claim) depends from claim 1 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

#### Dependent Claim 44

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...determining the first highest bit occurrence constraint based on shifting the first lowest bit occurrence constraint upward by a constant amount.," (Claim 44).

Applicants submit, that for at least same or similar reasons as to those presented above regarding the allowability of claims 1, 2 and 43, that claim 44 is also allowable. For example, because Blanchard does not disclose, teach or suggest either a highest bit occurrence constraint or a lowest bit occurrence constraint as discussed above regarding claim 1 and 43, that Blanchard does not, and cannot, disclose teach or suggest the determining of one from the other based on any means.

In addition, Applicants submit that because claim 44 (dependent claim) depends from claim 43 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

#### Claims 6, 8 and 9

##### Dependent Claim 6

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...wherein the first input data stream has a constant frame rate," (Claim 6).

Applicants submit that because claim 6 (dependent claim) depends from claim 1 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

### Dependent Claim 8

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...wherein the first input data stream has a constant frame size," (Claim 8).

Applicants submit that because claim 8 (dependent claim) depends from claim 1 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

### Dependent Claim 9

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...wherein the first input data stream has a variable frame size," (Claim 9).

Applicants submit that because claim 9 (dependent claim) depends from claim 1 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

### Claims 3, 5 and 39

#### Dependent Claim 3

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...wherein the first lowest bit occurrence constraint varies from increasing linearly over time to accommodate drift of the first input data stream," (Claim 3).

Applicants submit, that for at least same or similar reasons as to those presented above regarding the allowability of claims 1 and 36, that claim 3 is also allowable. Similarly, because Blanchard does not disclose, teach or suggest a first lowest bit occurrence constraint as discussed above regarding claim 1, or the drift of the first input data stream as in claim 36, that Blanchard does not, and cannot, disclose teach or suggest such an element from increasing linearly over time to accommodate drift of the first input data stream.



In addition, Applicants submit that because claim 3 (dependent claim) depends from claim 1 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

#### Dependent Claim 5

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...wherein the first input data stream varies from a constant bit rate as influenced by drift," (Claim 5).

Applicants submit, that for at least same or similar reasons as to those presented above regarding the allowability of claims 1, 3 and 36, that claim 5 is also allowable. Similarly, because Blanchard does not disclose, teach or suggest a drift of the first input data stream as in claim, that Blanchard does not, and cannot, disclose teach or suggest such an element from influencing a first input data stream.

In addition, Applicants submit that because claim 5 (dependent claim) depends from claim 1 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

#### Dependent Claim 39

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...wherein the plurality of the streams vary from the substantially constant bit rates as influenced by drift," (Claim 39).

Applicants submit, that for at least same or similar reasons as to those presented above regarding the allowability of claims 1, 3, 5 and 36, that claim 39 is also allowable. Similarly, because Blanchard does not disclose, teach or suggest a drift of the first input data stream as in claim, that Blanchard does not, and cannot, disclose teach or suggest such an element from influencing a plurality of streams.

In addition, Applicants submit that because claim 39 (dependent claim) depends from claim 38 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that

the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

Claims 4, 7 and 38

Dependent Claim 4

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...wherein the first input data stream has a substantially constant bit rate," (Claim 4).

Applicants submit that because claim 4 (dependent claim) depends from claim 1 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

Dependent Claim 7

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...wherein the first input data stream has a variable frame rate," (Claim 7).

Applicants submit that because claim 7 (dependent claim) depends from claim 1 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

Dependent Claim 38

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...wherein the plurality of data streams have substantially constant bit rates," (Claim 38).

Applicants submit that because claim 38 (dependent claim) depends from claim 36 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

## Claims 10 and 40

### Dependent Claim 10

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...wherein the first input data stream includes buffer delay information," (Claim 10).

Applicants submit that because claim 10 (dependent claim) depends from claim 1 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

### Dependent Claim 40

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...wherein the buffer delay information is derived from the plurality of data streams," (Claim 40).

Applicants submit that because claim 40 (dependent claim) depends from claim 37 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

## Claims 11 and 41

### Dependent Claim 11

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...a video stream, an audio stream, a closed caption stream, and a content protection data stream," (Claim 11).

Applicants submit, that for at least same or similar reasons as to those presented above regarding the allowability of claim 1 that claim 11 is also allowable. Further, Applicants submit that Blanchard does not disclose, teach or suggest a data stream containing a closed caption stream or a content protection data stream.

In addition, Applicants submit that because claim 11 (dependent claim) depends from claim 1 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for

at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

#### Dependent Claim 41

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...a video stream, an audio stream, a closed caption stream, and a content protection data stream," (Claim 41).

Applicants submit, that for at least same or similar reasons as to those presented above regarding the allowability of claims 1 and 36 that claim 41 is also allowable. Further, Applicants submit that Blanchard does not disclose, teach or suggest a data stream containing a closed caption stream or a content protection data stream.

In addition, Applicants submit that because claim 41 (dependent claim) depends from claim 36 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

#### Claim 12

#### Dependent Claim 12

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...determining the first highest bit occurrence constraint based on shifting the first lowest bit occurrence constraint upward by a constant amount," (Claim 12).

Applicants submit, that for at least same or similar reasons as to those presented above regarding the allowability of claim 1, that claim 12 is also allowable. Similarly, because Blanchard does not disclose, teach or suggest a first highest bit occurrence constraint in claim 12, that Blanchard does not, and cannot, disclose teach or suggest the shifting of such an element upwardly by a constant amount.

In addition, Applicants submit that because claim 12 (dependent claim) depends from claim 1 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the

dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

Claims 13, 34 and 45

Dependent Claim 13

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia:

"...obtaining a second input data stream, obtaining second time stamp information for the second input data stream, determining a second lowest bit occurrence constraint based on the second time stamp information and the buffer delay information, determining a second highest bit occurrence constraint based on shifting the second lowest bit occurrence constraint upward, determining a second earliest time constraint based on the second highest bit occurrence constraint, and determining a second latest time constraint based on the second lowest bit occurrence constraint,"

(Claim 13).

Applicants submit, that for at least same or similar reasons as to those presented above regarding the allowability of claim 1, that claim 13 is also allowable. Similarly, because Blanchard does not disclose, teach or suggest a lowest bit occurrence constraint, a highest bit occurrence constraint, or an earliest time constraint, that Blanchard does not, and cannot, disclose teach or suggest the shifting of such an element upwardly by a constant amount.

In addition, Applicants submit that because claim 13 (dependent claim) depends from claim 1 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

Dependent Claim 34

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia:

"...a second input data stream input for receiving a second input data stream, a divider operatively coupled to the first input data stream input and to the second input data stream input to divide the first input data stream into a first plurality of packets and to divide the second input data stream into a second plurality of packets, a combiner coupled to the divider for combining the first plurality of packets and the second plurality of packets to provide an output data stream,"

(Claim 34).

Applicants submit that because claim 34 (dependent claim) depends from claim 33 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

Dependent Claim 45

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia:

"...obtaining a second input data stream, obtaining second time stamp information for the second input data stream, determining a second lowest bit occurrence constraint based on the second time stamp information and the buffer delay information, determining a second highest bit occurrence constraint based on shifting the second lowest bit occurrence constraint upward, determining a second earliest time constraint based on the second highest bit occurrence constraint, and determining a second latest time constraint based on the second lowest bit occurrence constraint,"

(Claim 45).

Applicants submit, that for at least same or similar reasons as to those presented above regarding the allowability of claims 1 and 43, that claim 45 is also allowable. Similarly, because Blanchard does not disclose, teach or suggest a lowest bit occurrence constraint, a highest bit occurrence constraint, or an earliest time constraint, that Blanchard does not, and cannot, disclose teach or suggest the shifting of such an element upwardly by a constant amount.

In addition, Applicants submit that because claim 45 (dependent claim) depends from claim 43 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

Claim 14

Dependent Claim 14

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...wherein the second input data stream has a second substantially constant bit rate,"(Claim 14).

Applicants submit that because claim 14 (dependent claim) depends from claim 13 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

#### Claims 15 and 46

##### Dependent Claim 15

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...dividing the first input data stream into a first plurality of packets, dividing the second input data stream into a second plurality of packets, and combining the first plurality of packets and the second plurality of packets to provide an output data stream" (Claim 15).

Applicants submit that because claim 15 (dependent claim) depends from claim 13 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

##### Dependent Claim 46

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...dividing the first input data stream into a first plurality of packets, dividing the second input data stream into a second plurality of packets, and combining the first plurality of packets and the second plurality of packets to provide an output data stream," (Claim 46).

Applicants submit that because claim 46 (dependent claim) depends from claim 45 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

Claims 16 and 47

Dependent Claim 16

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia:

“...combining the first plurality of packets and the second plurality of packets in an order determined by the first earliest time constraint and the first latest time constraint for each packet of the first plurality of packets and second earliest time constraint and the second latest time constraint for each packet of the second plurality of packets,”

(Claim 16).

Applicants submit, that for at least same or similar reasons as to those presented above regarding the allowability of claims 1 and 15, that claim 16 is also allowable. Similarly, because Blanchard does not disclose, teach or suggest an earliest time constraint and a latest time constraint, that Blanchard does not, and cannot, disclose teach or suggest the shifting of such an element upwardly by a constant amount.

In addition, Applicants submit that because claim 16 (dependent claim) depends from claim 15 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

Dependent Claim 47

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia:

“...combining the first plurality of packets and the second plurality of packets to provide an output data stream further includes combining the first plurality of packets and the second plurality of packets in an order determined by the first earliest time constraint and the first latest time constraint for each packet of the first plurality of packets and second earliest time constraint and the second latest time constraint for each packet of the second plurality of packets,”

(Claim 47).

Applicants submit, that for at least same or similar reasons as to those presented above regarding the allowability of claims 1, 15 and 46, that claim 16 is also allowable. Similarly, because Blanchard does not disclose, teach or suggest an earliest time constraint and a latest time



constraint, that Blanchard does not, and cannot, disclose teach or suggest the shifting of such an element upwardly by a constant amount.

In addition, Applicants submit that because claim 47 (dependent claim) depends from claim 46 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

#### Claims 19 and 48

##### Dependent Claim 19

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...calculating an initial current time value," (Claim 19).

Applicants submit that because claim 19 (dependent claim) depends from claim 13 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

##### Dependent Claim 48

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...calculating an initial current time value," (Claim 48).

Applicants submit that because claim 48 (dependent claim) depends from claim 45 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

#### Claims 32, 35 and 42

##### Dependent Claim 32

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...wherein the output data stream is a Moving Picture Experts Group (MPEG) stream," (Claim 32).

Applicants submit that because claim 32 (dependent claim) depends from claim 15 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

Dependent Claim 35

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...wherein the output data stream is a drift-free Moving Picture Experts Group (MPEG) program stream," (Claim 35).

Applicants submit that because claim 35 (dependent claim) depends from claim 34 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

Dependent Claim 42

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...wherein drift the compensated output data stream is a Moving Picture Experts Group (MPEG) stream," (Claim 42).

Applicants submit that because claim 42 (dependent claim) depends from claim 36 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim.

Claim 37

Dependent Claim 37

Applicants respectfully submit that Blanchard does not disclose, teach or suggest Applicants' claimed subject matter including, inter alia: "...wherein the relationship between the  $t_{\text{earliest}}$  value and the  $t_{\text{latest}}$  value is determined based on buffer delay information," (Claim 37).

Applicants submit, that for at least same or similar reasons as to those presented above regarding the allowability of claims 1 and 36, that claim 37 is also allowable. Similarly, because

Blanchard does not disclose, teach or suggest the  $t_{\text{earliest}}$  value and the  $t_{\text{latest}}$  value, that Blanchard does not, and cannot, disclose teach or suggest a relationship between the two.

In addition, Applicants submit that because claim 37 (dependent claim) depends from claim 36 (parent claim), and as a dependent claim therefrom, the dependent claim is allowable for at least the reasons for which the parent claim is allowable. Applicants further submit that the dependent claim is also allowable in light of the presence of novel and non-obvious elements contained therein that are not otherwise present in the parent claim

### CONCLUSION

For the foregoing reasons, withdrawal of the rejections and allowance of the claims is respectfully requested. If there are any questions or comments regarding this response, the Examiner is encouraged to contact the undersigned at 312-609-7500.

Respectfully submitted,

By: 

Brent A. Boyd  
Reg. No. 51,020

Dated: December 29, 2003

Vedder, Price, Kaufman & Kammholz, P.C.  
222 North LaSalle Street  
Chicago, Illinois 60601  
Telephone: (312) 609-7500  
Facsimile: (312) 609-5005